

## CHART FOR DETERMINING AMOUNT OF WAGES SUBJECT TO 7% ATTACHMENT

Below is a chart which explains how to determine the amount of wages subject to attachment. The applicable federal laws from which the information in the chart have been taken are: 10 Del.C. § 4913(a); 15 USC § 1673; 15 USC § 1677 and 29 USC § 206(a).1. The chart assumes that the wage earner is paid weekly. If paid twice per month, follow the same chart but use \$334.80 (\$154.50 x 2-1/6 weeks) in Step C. If paid every two weeks, use \$309.00 (\$154.50 x 2). If paid monthly, use \$669.45 (\$154.50 x 4-1/3) in Step C.

A. Calculate disposable earnings by subtracting from gross earning those items required by law to be deducted. For example:

GROSS EARNINGS

- Federal tax
- State tax
- FICA
- City tax (if any)

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Equals disposable earnings

B. Calculate 7% of disposable earnings.

C. Subtract \$154.50 (30 x \$5.15 - the minimum wage) from the disposable earnings.

D. The attached amount is the lesser of the figures calculated under B and C.

### EXAMPLE 1

An individual's gross earnings in a week are \$250.00

- A.
- \$250.00
  - 30.00 (est. Fed. tax)
  - 8.00 (est. State tax)
  - 19.00 (est. FICA)

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\$193.00 Disposable earnings

B. 7% of \$193.00 = \$13.51

C. \$193.00 - \$154.50 = \$38.50

D. \$13.51 is less than \$38.50 and is the amount attached.

### EXAMPLE 2

An individual's gross earnings in a week are \$100.00

- A.
- \$100.00
  - 7.00 (est. Fed. Tax)
  - 1.00 (est. State Tax)
  - 8.00 (est. FICA)

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\$ 84.00 Disposable earnings

B. 7% of \$84.00 = \$ 5.88

C. \$84.00 - \$154.50 = -\$70.50

D. -\$70.50 is less than \$5.88; none of the wages can be attached.

It is very important that employers and creditors understand the attachment process because a common practice is to simply attach 7% of the gross wages. As the chart indicates, that is not correct because it is very possible that in any given pay period none of an individual's wages can be attached.